

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**THE TRUSTEES OF PURDUE
UNIVERSITY,**

Plaintiff,

vs.

**STMICROELECTRONICS
INTERNATIONAL N.V. and
STMICROELECTRONICS, INC.,**

Defendants.

Civil Action No. 6:21-CV-00727-ADA-DTG

JURY TRIAL DEMAND

DEFENDANTS' OPPOSED MOTION FOR EXPEDITED CONSIDERATION

Defendants seek expedited consideration of their Motion to Strike (Dkt. 308) filed earlier today. As explained in that Motion to Strike, Purdue served Amended Final Infringement Contentions on May 19, 2023, without seeking leave of Court and these contentions substantively change Purdue's infringement theories. The Motion to Strike explains that the May 19 Contentions, which were served after hours at 8:03 pm on Friday evening, one business day before the close of discovery on Monday, May 22, violate this Court's OGP and scheduling orders, which require leave of Court to amend infringement contentions. The Motion to Strike further explains that: (a) the May 19 Contentions dramatically change Purdue's four earlier sets of infringement contentions with respect to key structural elements of the asserted claims; (b) Purdue had the information necessary to identify these key structural elements as early as October 2022 but elected to wait until the eleventh hour to spring its new theories on ST; and (c) ST would be prejudiced by Purdue's last-minute attempt of switcheroo because ST's defenses and arguments, including invalidity and non-infringement, were developed throughout the case

based on Purdue's identification of key structure elements in the first four sets of infringement contentions.

Because opening expert reports are due on June 9, 2023, Defendants request an expedited briefing schedule and hearing, and a ruling that the earlier served contentions on which ST has relied upon in good faith, continue to be the final operative infringement contentions by which Purdue is bound in this case.

Defendants request that Purdue file its response to the Motion to Strike (Dkt. 308) by Tuesday May 30, 2023, and that Defendants file a reply by Thursday June 1, 2023. Defendants are prepared to argue the motion, at the Court's convenience, as early as June 2, 2023.

Dated: May 25, 2023

By: /s/ Michael D. Hatcher

Michael J. Bettinger
California Bar No. 122196
mbettinger@sidley.com
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, California 94104
(415) 772-1200
(415) 772-7400 – Fax

Michael D. Hatcher
Texas Bar No. 24027067
mhatcher@sidley.com
SIDLEY AUSTIN LLP
2021 McKinney Avenue, Suite 2000
Dallas, Texas 75201
(214) 981-3300
(214) 981-3400 – Fax

Richard A. Cederoth
Texas Bar No. 6185199
rcederoth@sidley.com
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, Illinois 60603
(312) 853-7026
(312) 853-7036 – Fax

Max Ciccarelli
Texas Bar No. 00787242
max@ciccarellilawfirm.com
CICCARELLI LAW FIRM
100 North 6th Street, Suite 502
Waco, Texas 76701
(214) 444-8869

Thomas N. Tarnay
Texas Bar No. 24003032
ttarnay@tarnaylaw.com
THOMAS TARNAY PLLC
2103 Virginia Place
Plano, Texas 75094
(214) 395-8212

**ATTORNEYS FOR DEFENDANTS
STMICROELECTRONICS
INTERNATIONAL N.V. and
STMICROELECTRONICS, INC.**

CERTIFICATE OF CONFERENCE

I certify that the Parties conferred and that Purdue is opposed to expedited briefing and hearing.

/s/ Michael D. Hatcher
Michael D. Hatcher

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the foregoing document was served on all parties to this action via electronic service on May 25, 2023.

/s/ Michael D. Hatcher
Michael D. Hatcher